WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 10.04.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K.SAMPATHKUMAR

Habeas Corpus Petition No.62 of 2006

Yuvaraj ... Petitioner

Vs.

1. The Secretary to Government,
Prohibition and Excise Department,
Fort St. George, Chennai-600 009.

2.The Commissioner of Police,
Greater Chennai. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records in connection with the order of detention passed by the second respondent dated 13.12.2005 in memo No.550/BDFGISV/2005 against the petitioner Yuvaraj S/o Sarangapani aged about 29 years, who is confined at Central Prison, Chennai and set aside the same and direct the respondents to produce the detenu before this Court and set him liberty.

For Petitioner : Mr.V.Parthiban for

For Respondents: Mr.Abudhukumar Rajarathinam
Govt. Advocate (Crl. Side)

O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner by name Yuvaraj, who was detained as a ''Goonda" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 13.12.2005, challenges the same in this Petition.

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

2. Heard learned counsel for the petitioner as well as learned Government Advocate for the respondents.

3. At the foremost, learned counsel for the petitioner submitted that there is enormous delay in disposal of the representation of the detenu, which vitiates the ultimate order of detention. With reference to the above claim, learned Government Advocate has placed the details, which show that the representation of the detenu dated 01.01.2006 was received by the Government on 04.01.2006 and remarks were called for on 05.01.2006. Thereafter, the remarks were received by the Government on 12.01.2006 and the File was submitted on 13.01.2006 and the same was dealt with by the Under Secretary and the Deputy Secretary on the same date i.e. on 13.01.2006 and finally, the Minister for Prohibition and Excise passed orders on 16.01.2006. The rejection letter was prepared on 30.01.2006 and the same was sent to the detenu on 31.01.2006 and served to him on 01.02.2006. As rightly pointed out by the learned counsel for the petitioner, though the Minister for Prohibition and Excise passed an order on 16.01.2006, there is no explanation at all for taking time for preparation of rejection letter till 30.01.2006. In the absence of any explanation by the person concerned even after excluding the intervening holidays(21.01.2006, 22.01.2006, 26.01.2006, 28.01.2006 and 29.01.2006), we are of the view that the time taken for preparation of rejection letter is on the higher side and we hold that the said delay has prejudiced the detenu in disposal of his representation. On this ground, we quash the impugned order of detention.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith from the custody unless he is required in some other case or cause.

10.04.2006

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

https://hcservices.ecourts.gov.in/hcservices/

WEB COPY

To

1. The Secretary, State of Tamil Nadu,Prohibition and ExciseDepartment, Fort St. George, Chennai-600 009.

2.The Commissioner of Police,Greater Chennai-600008.

3. The Superintendent, Central Prison, Chennai.
(In duplicate for communication to detenu)

4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

jrg (co)

dv/18.4.06

HCP. No.62 of 2006

https://hcservices.ecourts.gov.in/hcservices/